

Message Text

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PAGE 01 STATE 147642
ORIGIN L-03

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DRAFTED BY L: MBFELDMAN; EUR: RDVINE
APPROVED BY D - MR. CHRISTOPHER
D - MR. SPIEGEL
EB -MR. BOERNER
E - MR. COOPER

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FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE
INFO AMEMBASSY PARIS

C O N F I D E N T I A L STATE 147642

PARIS FOR USOECD; FROM DEPUTY SECRETARY FOR AMB. BREWSTER

E.O. 11652: GDS

TAGS: EINV, EGEN, ECOSOC, UN, OECD

SUBJECT: OECD SUPPORT FOR ILLICIT PAYMENTS INITIATIVE

REFS: (A) STATE 127544; (B) PARIS 17852; (C) LONDON 8867

1. DAVID OWEN'S MEETING WITH CY FOCUSSED ON CURRENT
AFRICAN ISSUES AND ILLICIT PAYMENTS WAS NOT DISCUSSED.

2. WE ARE NOW MAKING REAL PROGRESS TOWARDS AN OECD CON-
SENSUS ON AN AGREEMENT ON ILLICIT PAYMENTS BASED ON
CRIMINALIZATION OF BRIBERY OF FOREIGN OFFICIALS. UK
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PAGE 02 STATE 147642

RESERVATIONS ARE NOW THE PRINCIPAL OBSTACLE TO AGREEMENT
WITHIN OECD COMMUNITY. WE APPRECIATE THAT THE BRITISH
WILL TAKE SOME PERSUADING ON THIS ISSUE. I LEAVE IT TO
YOU TO RAISE THE MATTER AT WHATEVER LEVEL AND IN WHATEVER
WAY YOU THINK NECESSARY IN ORDER TO BRING THEM AROUND TO
SUPPORTING A DIPLOMATIC CONFERENCE.

3. THE UK MAY INSIST ON HOST COUNTRY ACTION AS A PREREQUISITE OF HOME COUNTRY PROSECUTION. ANY FORMULA THAT REQUIRES ACTION BY A GOVERNMENT THAT MAY BE CORRUPT-- OR UNABLE TO ACT AGAINST CORRUPTION BY ITS OFFICIALS -- WILL UNDERMINE BASIC PURPOSE OF A MULTILATERAL AGREEMENT.

EXPERIENCE SHOWS THAT CRIMINAL LAWS OF HOST COUNTRIES HAVE NOT FUNCTIONED EFFECTIVELY, AND THAT NEW MEASURES BY HOME COUNTRIES ARE ESSENTIAL TO CURB THESE PRACTICES.

4. WHEN DICK COOPER RAISED THIS ISSUE WITH PETER JAY ON THE 7TH, JAY EXPLAINED THAT THE BRITISH WERE CONCERNED THAT SOME COUNTRIES (E.G., FRANCE, ITALY, JAPAN) WOULD NOT TAKE A MULTILATERAL AGREEMENT ON HOME COUNTRY RESPONSIBILITY AS SERIOUSLY AS OTHERS, INCLUDING THE BRITISH. THE FORMER COUNTRIES WOULD THEN HAVE A COMPETITIVE ADVANTAGE OVER THE LATTER. COOPER SUGGESTED THAT CONCERN MIGHT BE ALLAYED BY ESTABLISHING A MONITORING MECHANISM FOR REVIEWING PERFORMANCE UNDER THE AGREEMENT. YOU MIGHT SUGGEST SUCH A MECHANISM IF THE BRITISH RAISE THIS OBJECTION TO AN AGREEMENT TO CRIMINALIZE BRIBERY OF FOREIGN OFFICIALS. VANCE

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